

# **BOND** SCHOENECK & KING

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December 12, 2014

**VIA ELECTRONIC MAIL** ([Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov))

Hon. Katherine Polk Failla  
United States District Court Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Dr. Deirdre Chiaramonte v. The Animal Medical Center, et al.*  
*Civ. No. 13 CIV 5117*

Dear Judge Failla:

We represent the Defendants, The Animal Medical Center and Kathryn Coyne, in the above-referenced matter. We write this letter to request an extension of time to complete discovery, to advise the court of the parties' position on mediation, and to explain the need for a confidentiality order in this matter.

The current discovery deadline is December 19, 2014. Defendants have already produced 850 pages of discovery and will produce an additional 595 pages of discovery today. In addition, we are producing a privilege log containing approximately 1,000 documents, which are comprised of 3,700 pages, today. Defendants' document production has taken longer than expected because § 29.1(b)(8) of the Rules of the Board of Regents prohibits veterinarians from "revealing . . . personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law." Documents responsive to the Plaintiff's requests are replete with references to patients and their owners, including names, addresses, phone numbers, e-mail addresses, medications, diagnoses, and care plans, which are protected from disclosure under the Board of Regents rule cited above, if connected with identifying information about the patient. Accordingly, we must review these documents thoroughly and carefully and redact all identifying information. Due to the challenges we have faced in producing these documents while simultaneously protecting our client, The Animal Medical Center, we will be unable to review and provide all responsive documents, as well as complete depositions, by December 19<sup>th</sup>.

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After conferring with Plaintiff's counsel, the parties have agreed to enter into a confidentiality agreement, which would expedite the review and production of responsive documents, while safeguarding our client's confidential patient information. The parties plan to submit a proposed confidentiality order to Your Honor by next week.

As a result of the issues described above, with consent from Plaintiff's counsel, we respectfully request an extension of the discovery deadline until March 19, 2014.

Finally, the parties would prefer to conduct additional discovery before participating in mediation.

Very truly yours,

BOND, SCHOENECK & KING, PLLC



Barbara V. Cusumano

cc: Anne C. Vladeck, Esq. (via e-mail)  
Anne L. Clark, Esq. (via e-mail)